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SUBJECT: BULGARIA: 2008 ANTI-TRAFFICKING IN PERSONS (TIP) REPORT

REF: STATE 132759

¶1. (SBU) SUMMARY: Bulgaria is primarily a point of origin and transit, and to a lesser degree destination for human trafficking. The government's leading anti-trafficking agency - the National Commission for Combating Trafficking in Persons (the Commission) - stepped up its prevention campaigns and established new local commissions in at-risk areas. Bulgaria opened three new shelters for children victims of violence and started renovating a shelter for adult trafficking victims. The government also initiated investigations against local politicians accused of leading criminal networks involved in money laundering and trafficking in persons. Senior government officials spoke out publicly against human trafficking and opposed proposals to legalize prostitution.

¶2. (SBU) Primary point of contact on trafficking is Political Officer Joslyn Mack-Wilson (mack-wilsonjg@state.gov, tel: +359 2937 5276, fax: +359 2937 5320). Approximately 100 hours of staff time were required for the completion of this report. END SUMMARY.

¶3. (SBU) BULGARIA'S TIP SITUATION

¶1A. The Commission, the Prosecution Service and two Interior Ministry (MOI) Directorates - the Border Police and the anti-organized crime unit - maintain information about trafficking trends, victims and traffickers, and criminal proceedings. The data about traffickers is consistent and reliable. Under a multinational project, funded by the United States Agency for International Development (USAID) and implemented by the International Center for Migration Policy Development (ICMPD), the Commission developed procedures and trained staff to use a new database for trafficking victims. The International Organization for Migration (IOM) and NGOs also compile data on trafficking victims that they actually have assisted, destinations, source points and recruitment methods.

¶1B. Bulgaria continues to be primarily an origin and transit point, and to a lesser extent a destination point for human trafficking. Most victims trafficked from or through Bulgaria are sent to Germany, Belgium, France, Italy, Spain, Austria, Norway, the Czech Republic, Poland and other Western European countries. Bulgarian victims are also trafficked to destinations in the Balkans - Greece, Turkey, and Macedonia. Greece and France are destinations for trafficked pregnant women, presumably for baby-selling under less stringent adoption regimes. Internal trafficking, particularly to resort areas, is primarily for sexual exploitation, and victims are often later trafficked to Western Europe. Law enforcement officials report that more than eighty percent of the trafficking investigations involve sexual exploitation, though officials note an

increase in labor trafficking, especially for seasonal work to Greece, Italy and Spain. The ratio between external and internal trafficking for sexual exploitation is almost equal.

The prosecution service reported 250 trafficking victims from January to December, of them 38 were under the age of 18. The prosecution service reported one foreign victim, though NGOs said they assisted a few foreign victims, primarily from Ukraine, Moldova and Romania. Police reported an increase in children trafficked to Greece and the United Kingdom for beggary and pick pocketing.

IC. The majority of the victims were trafficked for sexual exploitation. Victims are subject to deprivation of identity documents, forced prostitution, physical abuse, poor housing conditions, and intimidation.

ID. Young women between 18 and 24, low income persons, unemployed persons, and those with less education and problematic family relations are more at risk of being trafficked. Roma children are more vulnerable to being trafficked for begging and delinquency and Roma women are vulnerable to being trafficked for baby selling.

IE. In larger cities such as Sofia, Plovdiv, Varna and Burgas, sexual exploitation is mostly controlled by organized criminal organizations while small crime groups and freelance operators are involved in smaller towns. Bulgarian victims were principally recruited with promises of work, often through close friends or acquaintances. Children trafficked abroad generally traveled with the full consent of their parents as required by Bulgarian border control. Both Bulgarian and foreign trafficking victims generally traveled using genuine rather than forged documents. Bulgarian citizens were able to travel freely to the EU without visas. Victims also were moved frequently from one place to another,

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avoiding detection by authorities for undocumented stays.

I4. (SBU) GOVERNMENT'S ANTI-TIP EFFORTS

IA. High-level officials are committed to fighting trafficking.

IB. The Commission, which by law is comprised of deputy ministerial level representatives of different agencies -- MOI, Justice Ministry (MOJ), Labor and Social Policy Ministry (MLSP), Health Ministry (MOH), Foreign Affairs Ministry (MFA), Education Ministry, State Agency for Child Protection (SACP), Central Commission for Combating Juvenile Delinquency, Supreme Court of Cassation, Supreme Cassation Prosecution, National Investigation Service (NIS) and State Agency for National Security -- serves as the focal point for coordinating the government's anti-trafficking efforts. During the year, the state allocated budget for the Commission increased from 360,000 BGN (\$288,000) in 2006 to 400,000 BGN (\$320,000) in 2008, with an additional 100,000 BGN (\$80,000) provided to the municipal budgets for the local commissions. The Government equipped the Commission with essential resources for its daily operation - premises, vehicle, equipment and supplies.

In 2008, six local commissions became operational in Burgas, Varna, Sliven, Pazardzhik, Montana and Blagoevgrad - all regions identified as major source or destination points for trafficking. The local commissions replicate the structure of the National Commission and are administratively subordinate to both the Commission and the mayor. The National Commission purchased equipment and supplies for the local commissions and trained the staff.

IC. The government's challenges to combat trafficking include bureaucratic procedures, inadequate compensation for government officials, and widespread public corruption. There is no evidence of systematic government complicity to trafficking. Successive scandals within the MOI ultimately lead to the April resignation of the Interior Minister, which prompted a major reform effort within the Ministry. Ongoing structural changes, successive scandals, and poor compensation significantly challenged the MOI officers' morale.

Low salaries for social workers make these jobs less attractive to qualified applicants. After the withdrawal of major donors, EU funds are eyed as a replacement by both the government and NGOs, but seem difficult to access.

¶D. In February 2009, the Commission produced an annual report assessing all government-funded prevention campaigns, trainings, investigations, prosecutions and victims identified. Supplementing its January 2008 quantitative survey on public attitudes on trafficking, the Commission hired a polling agency, which conducted four focus groups with young adults (between 18 and 35) to determine their knowledge of trafficking. In general, the participants had difficulty defining both trafficking in persons and victims of trafficking. As part of its October 2008 prevention campaign in schools, the Commission solicited formal feedback from 133,189 students and 7,837 teachers, which it will use to refine future campaigns. Most teachers (75 percent) said that the October campaign was the first time they taught this topic in class.

¶5. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS

¶A. 2002 Criminal Code amendments set specific punishments for trafficking, consistent with the Palermo Protocol. Section 159.A specifies punishments for those who gather, transport, hide or receive individuals or groups of people to be used for vicious practice, involuntary servitude, seizure of body organs or to be kept under compulsory submission regardless of their consent. Section 159.B punishes trafficking across the border. Section 159.C addresses recidivism, trafficking involving organized crime groups and severe forms of trafficking and specifies punishments according to the Protocol. Unlike Palermo Protocol, the victim's consent is not a defense to trafficking charges under Bulgarian law, even when the victim is an adult. A 2004 Criminal Code amendment allowed for prosecution of intermediaries involved in baby smuggling and an October 2006 amendment criminalized trafficking of pregnant women for the purpose of baby selling. A separate provision punishes mothers who consent to the sale, both in the country and abroad. The Criminal Code also punishes rape, slavery, forced prostitution and activities related to prostitution. Trafficking is among the offenses covered by the 2005 Asset Forfeiture Law, which allows for

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confiscation of illegally acquired property. Victims of trafficking can also sue for civil damages.

B-C. All forms of human trafficking are equally penalized, regardless of the form of exploitation. The punishment for trafficking in persons is 1 to 8 years in prison and fines up to approximately \$5,000 (8,000 leva). If aggravated circumstances exist -- e.g., a minor or kidnapping was involved -- penalties increase to 2 to 10 years in prison and fines of up to approximately \$6,250 (10,000 leva). Penalties for trafficking persons across borders increase to 3 to 10 years imprisonment and fines of up to approximately \$9,375 (15,000 leva). The same increased punishment is provided for trafficking of pregnant women for the purpose of baby selling. If the act of trafficking is carried out in connection with an organized crime group or constituted a serious repeat offense, penalties increase to 5 to 15 years imprisonment with fines of up to approximately \$12,500 (20,000 leva) and the possibility of forfeiture of assets. Labor recruiters and employers who falsely entice workers or forcibly hold them in the destination countries can be punished with up to 10 years imprisonment.

In January 2009, the Government submitted to the Parliament Criminal Code amendments to increase the length of imprisonment and fines for trafficking offenses. The revisions would punish those who use trafficking victims for sexual abuse, removal of body organs, forced labor or dependency regardless of their consent. A new proposed provision would set a penalty of up to three years imprisonment for the clients of minor prostitutes. Another provision punishes those who recruit, force or watch minors perform illicit acts.

¶D. Sentences for rape range between 2 and 8 years imprisonment;

sentences increase to between 3 and 10 years if the perpetrator is a repeat offender, or if the victim is underage or a descendent relative. In cases where rape results in serious bodily injury or suicide of the victim, sentences range between 10 and 20 years.

I.E. In 2008, the prosecution service investigated 213 trafficking cases. 187 of the investigations concerned trafficking for sexual exploitation, 18 dealt with labor exploitation, 1 with the seizure of body organs and 7 with keeping in submission. The prosecutors filed in court 55 indictments against 87 individuals, of which 80 were Bulgarian and 7 were foreign nationals. A total of 69 persons were convicted on trafficking charges and 2 were acquitted. Of them, 66 were sentenced for trafficking for sexual exploitation and 3 for keeping in compulsory submission. Fifty-one of the sentences went through all stages of appeal and their sentence is in force. Offenders convicted of trafficking generally served the full sentences mandated by the court. In 2008, the prosecution service launched 8 new investigations for labor-trafficking. For the same period, no labor traffickers were sentenced or acquitted. In some of the cases, the prosecutors pressed multiple charges against the perpetrators and where there was not sufficient evidence to prove the trafficking charges, the perpetrators were prosecuted for enticement into prostitution. The Prosecution service investigated 105 cases of forced prostitution in 2008 and brought to court 20 indictments against 31 persons. For the same period the courts sentenced 7 persons and acquitted 2. Police reported disrupting 7 cases of baby selling in Greece in 2008.

I.F. The government and NGOs trained law enforcement officers on investigating trafficking and differentiating between trafficking victims and offenders. Between January and April 2008, the Commission organized 7 two-day courses on the transnational referral mechanism for 141 police officers, social workers, prosecutors and NGO representatives. As part of its regular curriculum the National Institute of Justice, the government's magistrates' training institution, completed trained 26 judges and 22 prosecutors on human trafficking and trans-border crimes. The MFA Diplomatic Institute includes a module on trafficking in its courses for junior officers, which were offered to 41 diplomats, 45 junior consular officers and 30 officers from the Ministry of Defense, the General Staff and the Military Academy. The officers posted to Bulgarian embassies and consulates were taught how to recognize trafficking victims and how to refer victims to NGOs for legal, medical and psychological assistance.

I.G. In 2008, the MOI anti-organized crime unit cooperated in 21 joint investigations targeting human traffickers with law enforcement from EU member states. Based on the evidence gathered in these investigations, 14 cases were initiated abroad involving Bulgarian citizens. Bulgarian MOI liaison officers in Athens, Berlin, London, Madrid, Paris, Prague, Skopje, Vienna, Warsaw, at

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Europol in The Hague, at the SECI Center in Bucharest, and in other locations worked on international trafficking cases.

I.H. A 2005 Constitutional amendment allows the extradition of Bulgarian citizens for committed crimes, including trafficking.

I.I. Corruption is a pervasive problem for Bulgaria. There are allegations of government officials providing "no look" protection to organized crime figures but there is no evidence of systemic complicity to trafficking.

I.J. One police officer was under investigation for alleged complicity in trafficking. A 2007 investigation against one Border Police officer was suspended in 2008 due to lack of victim testimony. In September and October, police arrested three municipal councilors from Varna for leading an organized crime group involved in money laundering and human trafficking. The investigation against them is ongoing. Two of the municipal councilors reportedly opposed funding for trafficking prevention campaigns. For the first half of 2008, 10 government officials were investigated for corruption and 5 were convicted.

I.K. Prostitution is not prohibited by law but is also not legally

regulated. Penalties for related activities include up to 3 years imprisonment for pimping and up to 5 years imprisonment for operating organized prostitution establishments. Inducement to prostitution is punishable by up to 3 years imprisonment. When the crime is committed from mercenary motives it is punishable by up to 6 years imprisonment. The penalty rises to 8 years imprisonment if the crime is performed by or through an organized crime group, if the victim is a minor under age 18 or legally incompetent. If two or more persons were induced into prostitution the punishment is up to 10 years and if the offense is repeated the punishment is up to 20 years imprisonment. In 2008, high-level officials, including the Chief Prosecutor and the Deputy Parliament Speaker, continued to publicly oppose legalizing prostitution, emphasizing its potential to fuel organized crime. In media and at round-table discussions, the Commission educated the public about the possible negative consequences of legalizing prostitution.

1L. Reporting not applicable to Bulgaria.

1M. Although Bulgaria does not have an official child sex tourism problem, it is increasingly becoming a destination point, especially along the sea coast, for sexual exploitation. Trafficking victims in resort areas are often young girls between 14 and 18, who are considered children under Bulgarian law. The Prosecution identified 38 children trafficking victims in 2008.

16. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS

1A. The government generally provided child victims with shelter, counseling, medical, and legal assistance, consistent with its laws. The government worked closely with NGOs to provide such services to adult victims.

B-C. NGOs and government agencies do not distinguish between foreign and Bulgarian citizens in providing assistance to trafficking victims. During the year, the MLSP increased the number of crisis centers for children victims of violence, including trafficking, from three to six. The government also increased the annual state allowance to these shelters from 6,000 (\$3,870) to 7,750 (\$5,000) leva/year per child. Each center offers psychological and medical assistance to victims and has the capacity to shelter 10 kids aged between 6 and 18 for a period of up to 6 months. The center's social workers seek to ensure the safe return of the children to their biological families after this period expires and, whenever necessary, to find them employment or accommodation in a specialized institution or a foster family.

The Government referred adult trafficking victims primarily to NGOs, including Animus (Sofia), Samaritans (Stara Zagora), SOS Families at Risk (Varna), Diva (Plovdiv), Open Door (Pleven) and Demetra (Burgas) for shelter, counseling, and legal assistance. The Government rented facilities to NGOs, at below market rates and provided police protection for NGO-operated safe houses. During the year, the government began renovations on an adult shelter (with capacity for six victims) in Varna. The local government provided the facilities for the shelter and the National Commission allocated around \$13,000 for the renovations. Once renovated, the Commission

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will cover the shelter's operational expenses and NGO will provide the services.

1D. The 2003 Anti-Trafficking Act created a special immigration status for foreign trafficking victims who cooperate in trafficking investigations. The status provides for full residency and employment rights until the end of criminal proceedings. For foreign citizen victims who choose not to cooperate in trafficking investigations, the GOB provides 10 days plus one month for recovery before they are returned to their country of origin. The recovery period for foreign citizen child victims is ten days plus two months.

1E. The government does not provide longer-term shelter or housing

benefits to victims.

IF. Law enforcement routinely referred children victims to the six state-run centers and adult victims to NGOs. In 2008, the Commission continued to work with NGOs in a multinational project funded by the Dutch government to implement a transnational referral mechanism. The project mapped existing referral practices, both formal and informal, and outlined gaps.

IG. In 2008, the prosecution service identified 250 victims of trafficking, of which 38 were minors.

II. NGOs reported that victims' rights were fully respected, according to international norms. Victims were generally not detained, fined, or prosecuted for minor offenses.

IJ. The GOB encourages victims to assist in the investigation and prosecution of trafficking cases and provides special status for foreign citizen victims who cooperate. In 2008, 7 victims received witness protection under the Criminal Procedure Code, which included protecting the victim's identity and physical protection by police officers. 2004 legislation established a more sophisticated government witness protection program, which offers special protection measures to witnesses, victims, defendants, suspects, convicts, and experts providing essential testimony, explanations, or information in serious cases, including trafficking, as well as their close relatives. Protective measures for witnesses range from the provision of a personal guard and temporary placement in safe houses to changing identity in extreme cases. Witnesses can be transferred abroad if security guarantees in country are insufficient. Victims can also file civil suits for material and moral damages suffered.

IK. During the year, the Government conducted trafficking prevention and awareness programs, including trainings for law enforcement officers and consular officers posted to Bulgarian embassies abroad (See Investigation and Prosecution Section, F).

IL. The Government referred repatriated Bulgarian trafficking victims to NGOs for legal, medical and psychological assistance. The Anti-Trafficking Act provides for repatriated Bulgarian trafficking victims to receive the same assistance and care as trafficking victims identified within the country.

IM. In 2008, the IOM and NGOs, including Animus, Nadia Center Foundation, Samaritans, Diva, and SOS Families at Risk conducted trafficking awareness programs, trainings, and assisted trafficking victims. NGOs report strong cooperation with Government officials, on a national and local level, including support for shelters and awareness/prevention campaigns, providing protection and support to the organizations and their representatives.

I7. PREVENTION ---

IA. The government organized and/or supported numerous public awareness programs. In June 2008, the Commission organized the "Safe Vacation" awareness campaign, which included free screenings of the anti-trafficking movie Cargo to 1,385 students and the distribution of brochures. In September 2008, the Commission produced 20,000 informational leaflets which were distributed in movie theaters with the tickets for the movie "Taken," depicting the story of a father trying to rescue his trafficked daughter.

In October for the EU day for combating human trafficking, the Education Minister launched an awareness campaign for the Commission by teaching a class on human trafficking in a Sofia High school. The Commission developed training materials for the teachers and

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distributed 125,000 information cards, 50,000 bookmarks, 5,000 posters and 5,000 pens to more than 3,000 schools. The local commission in Burgas screened the movie "Cargo" for more than 400 students and for an orphanage which received negative publicity in 2007 when its kids were shown in a movie performing illicit acts.

The local commission in Pazardzhik organized an exhibition of paintings produced by children victims of violence.

In November, under a bilateral project with Romania, the Commission hosted an international conference 50 representatives from 10 countries on victims' assistance and protection. In December, the Commission co-hosted a digital video conference with Ambassador Marc Lagon to commemorate the 16-days of activism to eliminate violence against women attended by government officials, NGOs, and Members of Parliament. As part of the 16-days, the Commission held an international roundtable on the challenges to combating human trafficking in Europe with the participation of the OSCE special representative on trafficking issues.

IC. NGO representatives and government officials noted positive relations with the Commission.

ID. Effective monitoring of immigration and emigration patterns is hampered by visa-free travel between Bulgaria and its neighbors. The National Border Police actively monitor airports and land border crossings for evidence of trafficking in persons.

IE. The Commission is the main point of contact for international and local partners on trafficking issues. An expert advisory group, with representatives from all member agencies, meets regularly to address operational issues. The national implementation team to develop the transnational referral mechanism, which includes representatives of the Prosecution Service, GDBOP, Border Police, AAF and the Commission, refined return procedures for trafficking victims. The Commission also hosts regular meetings of a coordination group, comprised of international donors and NGO representatives, to advance anti-trafficking efforts.

IF. The government's current National Strategy for Combating Human Trafficking was adopted by the Commission and approved by the Council of Ministers in April 2008. It was developed in consultation with all relevant government agencies, as well as NGOs and the IOM. In February 2009, the Commission adopted a draft 2009 Strategy and submitted to the Council of Ministers' for approval.

IG. In 2008, the Commission continued to educate potential victims, customers, law enforcement officers, and services providers about sex trafficking (See Prevention, B). In December 2008, the Commission organized training for journalists to sensitize them about the issue. Animus produced and disseminated 6,000 brochures in 62 night clubs and bars to raise awareness against sexual exploitation.

IH. Bulgaria does not have an identified problem with child sex tourism by Bulgarian nationals.

II. Reporting not required for Bulgaria.

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